

REMARKS

In view of the following remarks, reconsideration and allowance are respectfully requested.

Claims 1-26 are pending, with claims 1, 14, and 26 being independent. No amendments have been made to the claims.

Claims 1-26 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Klenske (U.S. Patent Application Publication No. 2005/0197909).

Claims 1-3, 8-9, 12-13, and 26 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Wang (U.S. Patent Application Publication No. 2003/0154134).

Claims 4-7, 10-11, and 14-25 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Wang (U.S. Patent Application Publication No. 2003/0154134) in view of Jin (U.S. Patent Application Publication No. 2005/0033649).

Rejections under 35 U.S.C. 102(e)

Claims 1-26 (Klenske)

Claims 1-26 are patentable in view of Klenske at least because Klenske (U.S. Patent Application Publication No. 2005/0197909) is a copending application with a common assignee and inventor. The common assignee is Accenture Global Services GmbH, a corporation in Switzerland, having a place of business at Geschäftshaus Herrenacker 15, 8200 Schaffhausen, Switzerland. The common inventor is Greg Klenske of San Francisco, CA. According to MPEP Sections 706.02(f) and 715.01, a provisional rejection under 35 U.S.C. 102(e) can be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another." Accordingly, a 37 CFR 1.132 declaration is being filed by the inventor (Klenske) to overcome the rejections under 35 U.S.C. 102(e).

Claims 1-3, 8-9, 12-13, and 26 (Wang)

Claims 1-3, 8-9, 12-13, and 26 are patentable over Wang at least because Wang fails to disclose each and every feature of the claims. Wang discloses a server side software program that allows sellers and buyers to enter and bid on items in an online auction (Wang: Abstract). Wang discloses management techniques that allow sellers to generate sales reports, create buyers reports, generate shipping information, and track particular items (Wang: Abstract; page 2, paragraph 13). However, Wang fails to disclose the features of independent claims 1 and 26 in regards to “reporting metrics to the seller regarding the one or more items for sale on the one or more online sales channels, wherein the metrics comprise top-line highlights, bottom-line highlights, SKU-level information, and an executive summary.” For at least this reason, the independent claims are patentable over Wang.

Claims 1 and 26

Wang fails to disclose each and every feature of independent claims 1 and 26. For example, Wang fails to disclose “top-line highlights.” Top-line highlights show a comparison of sales performance and sales forecasts (*e.g.*, see support in specification on page 23, paragraph 70; Fig. 5a; Claim 18). Instead of showing how well the merchant's sales perform when measured against forecasts, Wang shows multiple graphical user interfaces for data entry (*i.e.*, Wang: Figs. 1-4, 6), and a screen showing a one-month accounting of a status of items listed and sold on eBay (Wang: Fig. 5; page3, paragraph 56). Contrary to the assertion in the office action, Fig. 5 of Wang does not show all of the features of claims 1 and 26. For instance, Wang is silent on presenting sales forecasts in Fig. 5. Furthermore, Fig. 5 of Wang is silent on presenting a comparison of sales performance with sales forecasts. For at least these reasons, Wang fails to disclose “top-line highlights,” as recited in claims 1 and 26. Claims 1 and 26 are patentable over Wang at least for this reason.

Furthermore, Wang fails to disclose an “executive summary.” The “executive summary” has qualitative subjective information that provides value to the quantitative information in the other panels in the dashboard (*e.g.*, see support in specification on page 22, paragraph 69; Fig. 5a). Instead of showing an “executive summary,” Wang only shows a screen showing a one-

month accounting of a status of items listed and sold on eBay (Wang: Fig. 5; page3, paragraph 56). Wang is silent on showing an “executive summary.” The list of the total items listed on eBay 350, the total items sold on eBay 360, the total items paid 370, the total sales amount 380, the total shipping costs 390, the total payment received 400, the list of categories 100, and the over due days 440 are not an “executive summary.” Furthermore, page 5 of the office action acknowledges that Wang does not disclose recommendations to improve the sale price of items. The office action also acknowledges that Wang does not disclose comparing actual sales to sale targets. Hence, Wang fails to disclose an “executive summary.” Since Wang fails to disclose an “executive summary,” claims 1 and 26 are patentable over Wang for these additional reasons.

Thus, Wang fails to disclose each and every feature of claims 1 and 26. Therefore, the rejection to claims 1 and 26 under 35 U.S.C. 102(e) should be withdrawn, and these independent claims should be placed in condition for allowance.

Claims 2-3, 8-9, 12-13

Claims 2-3, 8-9, 12-13 are patentable for at least depending on an allowable base claim, claim 1. These dependent claims should be placed in condition for allowance.

35 U.S.C. 103

Claims 4-7, 10-11

Claims 4-7, 10-11 are patentable over the suggested combination of Wang and Jin at least because the suggested combination fails to teach or suggest each and every feature of base claim 1. These dependent claims are further patentable for reciting allowable subject matter in their own right.

Contrary to the office action's assertions that Wang discloses all of the features listed under 35 U.S.C. 102(e) in the office action, the above discussion demonstrates that dependent claims 4-7, 10-11 are patentable at least because Wang fails to disclose (1) an executive summary and (2) top-line highlights. Jin fails to remedy the deficiencies of Wang. When combined with Jin, the suggested combination of Wang and Jin fails to teach or suggest all of the features of the claims.

For example, page 5 of the office action states that the Abstract of Jin shows recommendations to improve item sale prices. However, the Abstract of Jin is silent on the alleged recommendations. In particular, the Abstract teaches that Jin discloses a sales system for lots of items that includes business rule definition logic. The Abstract discloses that the system includes offering creation logic that dynamically creates different offerings for items in the lots, and optimizes return based on business rules for the different items. Overall, the Abstract of Jin teaches using objective guidelines, such as business rule definition logic, in creating offerings and optimizing returns for those offerings. Hence, no recommendations are taught or suggested in the Abstract of Jin. Since no recommendations are taught, Jin fails to teach or suggest an executive summary according to base claim 1.

Accordingly, the suggested combination of Jin and Wang cannot teach or suggest the claim 4 features of “recommendations to improve any of the top-line highlights and bottom-line highlights.” As discussed above, Wang fails to disclose recommendations, and the Abstract of Jin is silent on providing recommendations. Therefore, in addition to the suggested combination not teaching or suggesting each and every feature of the base claim, dependent claim 4 is patentable over the suggested combination for this additional reason.

Furthermore, the office action alleges on page 5 that Fig. 5 of Jin discloses feedback on a condition of sales in comparison to sales targets. However, Fig. 5 of Jin fails to teach or suggest a feedback on a condition of sales in comparison to sales targets that are determined by the seller. Instead, Jin teaches that Fig. 5 is a search page 40 that allows customers to search for SIMS (Surplus Inventory Management System) listings (Jin: Fig. 5, page 3, paragraphs 65-81). The customers can search inventory by a certain criteria (*e.g.*, SKU, Title, Quantity Available, Start Time, End Time, Target Cost Recovery Rate according to business logic). Hence, the inventory search page 40 of Fig. 5 is not feedback on a condition of sales in comparison to sales targets determined by the seller. Fig. 5 of Jin is silent on teaching this feature. Moreover, Fig. 5 of Jin fails to teach or suggest an executive summary and top-line highlights according to base claim 1 as described above. Hence, a case of *prima facie* obviousness has not been established.

Accordingly, the suggested combination of Jin and Wang cannot teach or suggest the claim 5 features of providing “feedback on a condition of sales in comparison to one or more sales targets, wherein a performance of actual sales is tracked relative to the one or more sales targets.” As discussed above, Wang fails to teach or suggest recommendations or comparisons, and Jin fails to teach or suggest feedback on a condition of sales in comparison to sales targets determined by the seller. Therefore, in addition to the suggested combination not teaching or suggesting each and every feature of the base claim, dependent claim 5 is patentable over the suggested combination for this additional reason.

Claims 4-7, 10-11 are patentable for at least depending on an allowable base claim, claim 1. As shown above, these dependent claims are further patentable for reciting allowable subject matter in their own right. Hence, these dependent claims should be placed in condition for allowance.

Claims 14-25 (Jin and Wang)

Claims 14-25 are patentable over the suggested combination of Wang and Jin at least because the suggested combination fails to teach or suggest each and every feature of the claims. With respect to independent claim 14, Jin and Wang fail to teach or suggest an executive summary as described above. Since each and every feature of the claims are not taught by the suggested combination, the rejection under 35 U.S.C. 103 fails to establish a prima facie case of obviousness. Base claim 14 is patentable for this reason alone.

Furthermore, the suggested combination fails to teach or suggest “an executive summary with **qualitative subjective information that provides value to quantitative information,**” as recited in claim 14 (emphasis added). Independent claim 14 is further patentable over the suggested combination for this reason.

Page 6 of the Office Action asserts that Wang discloses reports providing information from a connection provider to a seller, and refers to Fig. 5 for this disclosure. However, even assuming for the sake of response that this assertion is correct, Applicants submit that Fig. 5 does not disclose or properly suggest an “executive summary” as recited in independent claim 14. Furthermore, Fig. 5 of Wang fails to teach or suggest “qualitative subjective information that

provides value to quantitative information,” as recited in claim 14. Wang is silent on these features. Further, Jin does not cure this deficiency for the same reasons detailed above. Therefore, neither Wang nor Jin, nor any proper combination of the two, discloses or suggests at least these features of claim 14.

Page 6 of the Office Action asserts that Jin discloses targets relating to forecasts determined by the seller, and refers to Fig. 5, paragraph 31 for this disclosure. However, Applicants submit that Fig. 5 does not disclose or properly suggest an “executive summary” as recited in independent claim 14. Instead, Jin teaches that Fig. 5 is an inventory search page 40 that allows customers to search for SIMS (Surplus Inventory Management System) listings (Jin: Fig. 5, page 3, paragraphs 65-81). The customers can search for inventory by a certain criteria (e.g., SKU, Title, Quantity Available, Start Time, End Time, Target Cost Recovery Rate according to business logic). Furthermore, Fig. 5 of Jin fails to teach or suggest “qualitative subjective information that provides value to quantitative information,” as recited in claim 14. Further, Wang does not cure this deficiency for the same reasons detailed above. Therefore, neither Wang nor Jin, nor any combination of the two, discloses or suggests at least these features of claim 14.

Page 6 of the Office Action asserts that Jin discloses a reporting tool to present reports with qualitative subjective information, and refers to paragraphs 110-111 for this disclosure. However, Applicants submit that paragraphs 110-111 do not disclose or properly suggest an “executive summary” as recited in independent claim 14. Instead, Jin teaches in paragraphs 110-111 that a user uses the business rule definition logic to provide feedback within a sales channel and/or between channels (e.g., paragraph 110 gives an example of a user creating a rule that would cause a listing to be generated on a home site for 20 days, and then cause the remaining inventory to be liquidated through an auction provider). Hence, the feedback in or between channels as taught in Jin is **objective information from rules-based definition logic**, and not “**qualitative subjective information** that provides value to quantitative information,” as recited in claim 14 (emphasis added). Further, Wang does not cure this deficiency for the same reasons

detailed above. Therefore, neither Wang nor Jin, nor any combination of the two, discloses or suggests at least these features of claim 14.

Page 6 of the Office Action asserts that Jin discloses a summary with recommendations and analysis, and refers to the Abstract and paragraph 31 for this disclosure. However, Applicants submit that the Abstract and paragraph 31 do not disclose or properly suggest an "executive summary" as recited in independent claim 14 for the same reasons detailed above. Furthermore, the Abstract and paragraph 31 of Jin fail to teach or suggest "**qualitative subjective information** that provides value to quantitative information," as recited in claim 14 (emphasis added). Further, Wang does not cure this deficiency for the same reasons detailed above. Therefore, neither Wang nor Jin, nor any combination of the two, discloses or suggests at least these features of claim 14.

For at least these reasons, the suggested combination of Wang and Jin fail to teach or suggest each and every feature of claim 14. Thus, the rejection to claim 14 under 35 U.S.C. 103 should be withdrawn, and claim 14 should be placed in condition for allowance.

Claims 15-25 are patentable for at least depending on an allowable base claim, claim 14. These dependent claims are further patentable for reciting allowable subject matter in their own right. Hence, these dependent claims should be placed in condition for allowance.

Conclusion

In view of the amendments and remarks herein, the Applicants believe that claims 1-26 are in condition for allowance and ask that these pending claims be allowed. The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

No fee is believed due at this time. Please apply any charges or credits to Deposit Account No. 06-1050.

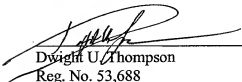
Applicant : Masami Suzuki et al.
Serial No. : 10/797,906
Filed : March 9, 2004
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Attorney's Docket No.: 12587-048001 / 01540-00/US

Respectfully submitted,

Date: _____

April 4, 2007



Dwight U. Thompson
Reg. No. 53,688

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331